

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

ROBERT SCHMIDT, RUSSELL ADAMS, and
JASON TAYLOR, individually and on behalf of
all others similarly situated,

Plaintiffs,

v.

JAGUAR LAND ROVER AUTOMOTIVE PLC
and JAGUAR LAND ROVER NORTH
NORTH AMERICA, LLC,

Defendants.

Civil Action No. 2:18-cv-08528-CCC-JBC

**FINAL ORDER AND JUDGMENT APPROVING AWARD OF
ATTORNEYS' FEES, REIMBURSEMENT OF CASE
EXPENSES AND SERVICE AWARDS FOR CLASS REPRESENTATIVES**

THIS MATTER, having come before the Court for consideration of the Plaintiffs' Motion for Award of Attorneys' Fees, Reimbursement of Expenses and Plaintiffs' Service Awards ("Attorneys' Fee Motion") in accordance with the parties' Settlement Agreement;

WHEREAS, Plaintiffs Robert Schmidt, Russell Adams and Jason Taylor (hereinafter "Plaintiffs" or "Class Representatives") filed the Attorneys' Fee Motion on January 4, 2022 (ECF Doc. 72), and;

WHEREAS, the Court reviewed the submissions of the parties on the Attorneys' Fee Motion and held a hearing on March 9, 2022 [via Zoom conferencing] on the issue of attorneys' fees, and having carefully considered all of the submissions and arguments with respect to the Attorneys' Fees Motion;

WHEREAS, based on the Joint Declaration of Gary S. Graifman and Thomas P. Sobran in Support of an Award of Attorneys' Fees, Reimbursement of Expenses and Award of Class

Representative Service Payments filed January 4, 2022 (ECF Doc. 72-2), class counsel devoted 922.70 hours to the Action and have a combined current lodestar of \$682,796.50, and Class Counsel continue to incur addition time as they work with Defendant's counsel and the Claims Administrator in the claims administration process;

WHEREAS, the parties in their Settlement Agreement agreed that the amount Plaintiffs would seek as their attorneys' fees and expenses would be no more than \$700,000.00;

WHEREAS, Class Counsel's expenses as of January 4, 2022, in the aggregate, are \$28,169.88 (ECF Doc.72-2, 72-3 and 72-4);

WHEREAS, under the Settlement the parties have agreed that the Class Representatives are to receive a service award, subject to the Court's approval, of \$2,000 per class representative, totaling \$6,000.00;

WHEREAS, the net attorneys' fee request, after deduction of expenses is \$671,830.12, which is less than the combined lodestar amount;

WHEREAS, based on the anticipated claims to be submitted by Settlement Class Members and work to be engaged in under the Prospective Warranty Program, the Court finds that a settlement valuation in excess of \$3,867,510 which was set forth in the Joint Declaration is reasonable;

IT IS ON THIS 9th day of March 2021 ORDERED and ADJUDGED as follows:

1. The Court finds that the request for attorneys' fees, reimbursement of expenses in the aggregate amount of \$700,000.00 is fair, reasonable and adequate and approves the award in the amount of \$700,000.00. The Court also finds that the service award of \$2,000.00 for each Class Representative to be fair and approves these awards.

2. The Court finds that the case expenses requested in the sum of \$28,169.88, are fair, reasonable and were necessarily incurred in the litigation and Settlement of the Action and the Court approves the request for reimbursement of expenses in the amount of \$28,169.88.

3. Under the Lodestar Method of calculating fees, the Court finds that based on the lodestar of \$682,796.50, the request for a fee of \$671,830.12 (e.g., the amount after deduction of case expenses of \$28,169.88) is fair and reasonable and constitutes a slight negative multiplier, and is well within the range of multipliers for cases such as this, particularly given the excellent result and benefits conferred herein. After projected future work is considered, Class Counsel estimates that the multiplier will be approximately .75.

4. As a cross-check, the Court finds that the value of the benefits, which include the reimbursement program, and the Extended Warranty Program, and which was valued at approximately \$3,867,500.00 by Class Counsel, further supports the finding that the award of \$671,830.12 is well within the range of reasonableness.

5. Based upon Class Counsel's submissions and arguments, the Court also approves the Service Awards to each of the three (3) Class Representatives in the sum of \$2,000.00, totaling \$6,000.00 to be paid by Defendant Jaguar Land Rover North America, LLC ("JLRNA"). Class Representatives participated in the action, including discovery and settlement discussions and their efforts resulted in a benefit conferred on the Settlement Class.

6. These payments are to be made to the Class Counsel designee set forth in the Settlement Agreement, and shall constitute satisfaction in full of any and all obligations of Defendants JLRNA and JLRA, PLC with respect to the payment of Plaintiffs' attorney fees, and Plaintiffs' costs and expenses in connection with this action and controversy. The Court also confirms the approval of Angeion Group as the Claims Administrator to effectuate the duties and responsibilities set forth in the Settlement Agreement.

7. Without affecting the finality of this judgment, the Court's retaining jurisdiction of this Settlement also includes the administration and consummation of the Settlement and the award of attorneys' fees. Without affecting the finality of this judgment, the Court retains exclusive jurisdiction of, and the Parties and all Settlement Class Members are hereby deemed to have submitted to the exclusive jurisdiction of this Court for, any suit, action, proceeding or dispute arising out of or relating to this order and judgment, the Settlement Agreement, or the applicability of the Settlement Agreement.

8. The Court finds that no just reason exists for delay in entering this Final Order and Judgment Awarding Attorneys' Fees, Reimbursement of Case Expenses and Service Awards for Class Representatives. Accordingly, the Clerk is hereby directed to enter this order forthwith.

IT IS SO ORDERED.

Dated: March 9, 2022

s/ Claire C. Cecchi

Honorable Claire C. Cecchi
United States District Judge

Respectfully submitted by:

/s/ Gary S. Graifman
Jay I. Brody
Kantrowitz, Goldhamer & Graifman, P.C.
135 Chestnut Ridge Road, Suite 200
Montvale, NJ 07645
Tel: (201) 391-7000
Email: ggraifman@kgglaw.com

Thomas P. Sobran
Thomas P. Sobran, P.C.
7 Evergreen Lane
Hingham, MA 02043
Tel: (781) 741-6075
Fax: (781) 741-6074
Email: tsobran@sobranlaw.com

Class Counsel for Settlement Class